# State of Montana

# Bepartment of Institutions

MS



DIRECTOR EDWIN G. KELLNER



449-2546 Helena, 59601

September 27, 1971

BOARD MEMBERS

RICHARD V. BOTTOMLY, GREAT FALLS
JOHN M. CROSS, GLENDIVE
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WILLIS M. McKEON, MALTA
JOHN W. STRIZICH, M.D., HELENA

Honorable Forrest H. Anderson Governor, State of Montana Capitol Building Helena, Montana, 59601

Dear Governor Anderson:

The attached plan for the reorganization of the Department of Institutions is submitted for your consideration.

You may be assured that, under reorganization, this Department will be prepared to provide proper and progressive care and treatment to the residents of Montana's institutions at the lowest reasonable cost to the taxpayers.

Sincerely,

Director

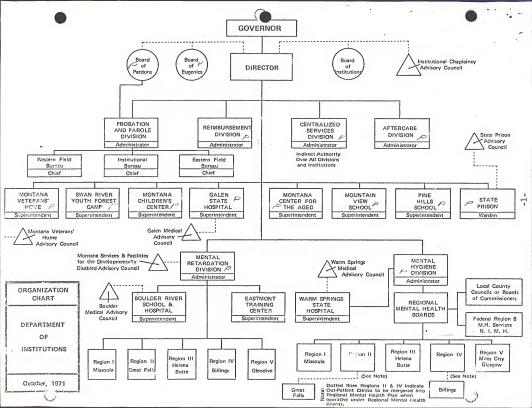
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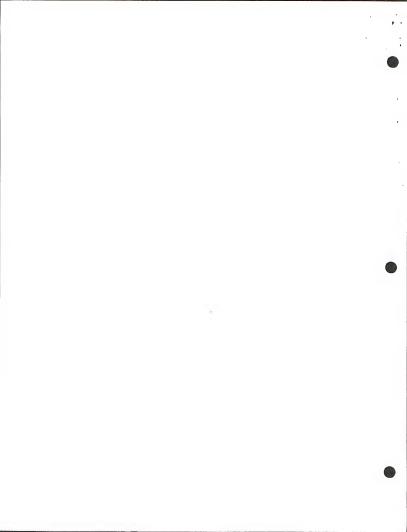


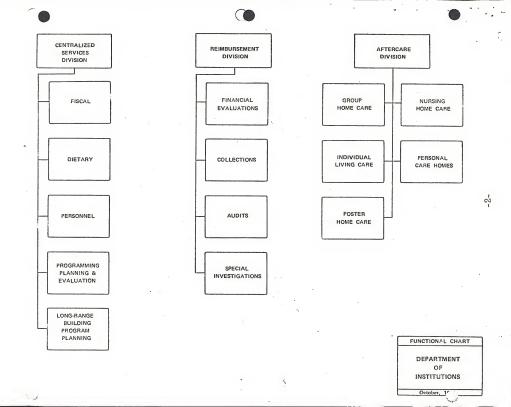
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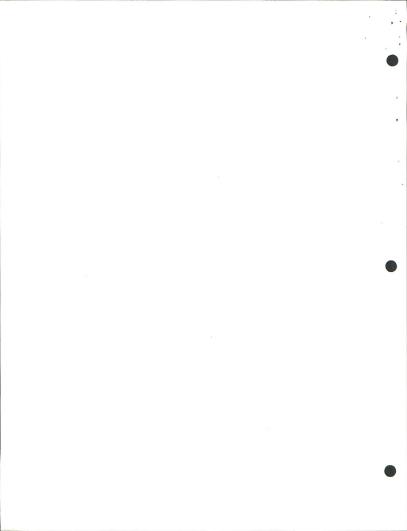
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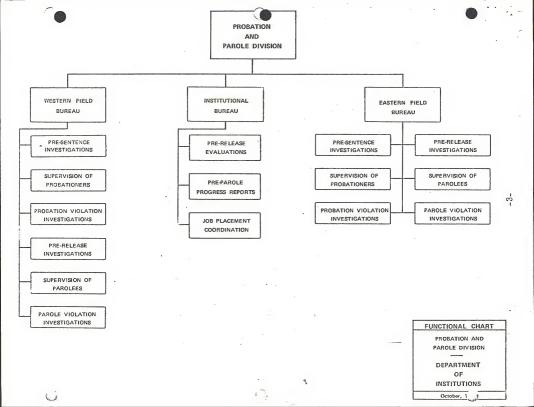














### MAJOR PROGRAMS

# DEPARTMENT OF INSTITUTIONS

# CENTRALIZED SERVICES PROGRAM

### DESCRIPTION:

The Centralized Services Program will include the activities of the State Department of Institutions Office in Helena. The goal of these activities will be to coordinate the state's responsibility to provide residential services, treatment and rehabilitation for approximately 3,500 institutionalized persons: the mentally ill; the mentally retarded; the needy veteran; dependent and neglected children; patients with tuberculosis, silicosis, and other pulmonary disorders; juvenile delinquents; and adult offenders.

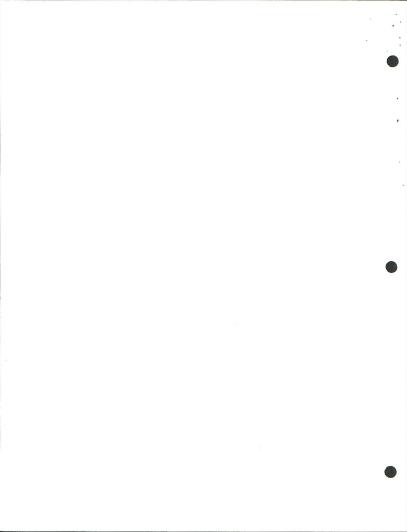
The Administrative activities of the program will include personnel, fiscal and dietary. Personnel activities include the negotiation of labor contracts, position control, classification and compensation of all employees within the Department's eleven institutions. Fiscal activities include uniform inventory control, review of all institutional requisitions for supplies and equipment and continual analysis of expenditures and budget requirements. Dietary activities include standardized menus emphasizing improved quality of meals and reduced costs. Existing programs are continually reviewed and recommendations are made to meet existing and long-range needs of those requiring institutionalization. Planning for future needs assumes the reduction of the number of persons requiring such care with emphasis being directed to the development of community based programs. Evaluations of existing programs are made on quality of services, comparisons of operating costs of like institutions are recidivism rates on both a regional and national basis. Long range building requisitions are received from each institution; and after analysis and evaluation priority recommendations are made to the Director.

### AUTHORITY:

Title 80, Chapter 14, R.C.M. 1947.

### UNIT RESPONSIBLE:

Centralized Services Division.



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### AUTHORITY:

Title 80, Chapter 14, R.C.M. 1947.

# UNIT RESPONSIBLE:

Centralized Services Division.



#### REIMBURSEMENT DIVISION

### DESCRIPTION:

This program will constitute the collection of costs of institutional care from various sources available to each patient, such as social security, insurance, trust estates and veterans' benefits. Individual assessments of charges are based on the ability to pay which require personal field investigations and interviews with responsible persons to evaluate the patients financial resources. Federal entitlements involves the searching out of federal monies and grants available from this source. In compliance with federal requirements this division makes post medicare and medicaid audits. Special investigations are made at the request of the Director; mainly involving reports of patient abuse and irregularities in state institutions.

### AUTHORITY:

Title 80, Chapter 16, R.C.M. 1947.

### UNIT RESPONSIBLE:

Reimbursement Division.

### AFTERCARE PROGRAM

### DESCRIPTION:

Aftercare assistance will be designed to aid children in the transition from institutional to normal life. An aftercare counselor will be responsible for children released from the Department's juvenile institutions, Boulder River School and Hospital and selected persons under 21 years of age released from the Warm Springs State Hospital. This service provides individual living arrangements, nursing home care, personal care homes, foster care placement or group home living for children. Aftercare will operate such group homes as the budget permits.

### AUTHORITY:

Title 80, Chapter 14, R.C.M. 1947.

### UNIT RESPONSIBLE:

Aftercare Division.



#### GALEN STATE HOSPITAL PROGRAM

#### DESCRIPTION:

The Galen State Hospital program will be responsible for the care and treatment of tuberculosis and silicosis. The program will also include other activities carried out at the hospital involving other chronic respiratory diseases and treatment of the mentally retarded, the aged, and alcoholics.

### AUTHORITY:

Title 80, Chapter 17, R.C.M. 1947.

#### UNIT RESPONSIBLE:

Galen State Hospital (Galen).

#### MENTAL HYGIENE PROGRAM

### DESCRIPTION:

The mental hygiene program will include those activities of the Department of Institutions concerned with the mental health of the citizens of the state. The program will include the activities carried out at Warm Springs State Hospital and the Community Mental Health Centers (one each in five geographic regions of the state). The activities will include care, treatment and rehabilitation of mentally ill patients; alcoholism rehabilitation; medical-surgical service; forensic psychiatry service; geriatric service; and dealing with problems of juveniles, children and drug abuse.

### AUTHORITY:

Title 80, Chapter 24, R.C.M. 1947.

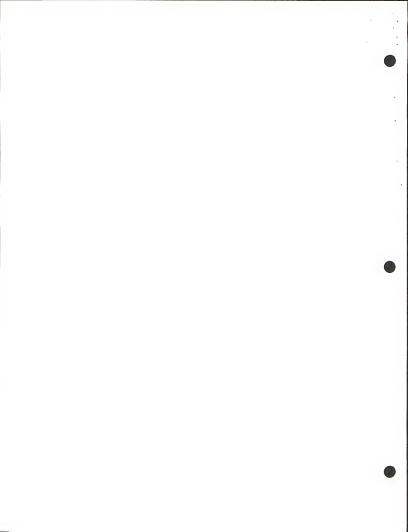
### UNIT RESPONSIBLE:

Mental Hygiene Division (Warm Springs State Hospital).

### MENTAL RETARDATION PROGRAM

# DESCRIPTION:

The mental retardation program of the Department of Institutions will include those activities of the Department dedicated to the care, treatment, training and education of mentally retarded persons. The activities



are primarily carried out through the Boulder River School and Hospital and the Eastmont Training Center (Glendive). In addition, this program will assume responsibility for the Child Development Center in Missoula, currently operated by the State Department of Health. The Division supervises five mental retardation regions. Regional services include: evaluation services, diagnostic services, day care services, treatment services, educational services, sheltered employment services, recreational services, personal care services, domiciliary care services, special living arrangement services, counseling services, information and referral services follow-along services, protective and other social socio-legal services and transportation services. These regional units are all locally controlled by boards made up of representatives of the generic services and consumers.

### AUTHORITY:

Title 80, Chapters 23 and 26, R.C.M., 1947.

### UNIT RESPONSIBLE:

Mental Retardation Division.

# MONTANA CENTER FOR THE AGED PROGRAM

### DESCRIPTION:

The Center for the Aged program will provide residential care and treatment of senile men and women who have been admitted to Warm Springs State Hospital and subsequently transferred to the Center. Service provided by the Center will be domiciliary and nursing care.

### AUTHORITY:

Title 80, Chapter 25, R.C.M., 1947.

### UNIT RESPONSIBLE:

Montana Center for the Aged (Lewistown).



# MONTANA CHILDREN'S CENTER PROGRAM

### DESCRIPTION:

The Children's Center will carry out the function of the support and care of dependent or neglected children, who require separation from their families, or foster families, or for whom foster care cannot be obtained. The activities of the Center will involve clinical studies; management of the children in a controlled and planned environment; remedial education; social, psychological, and psychiatric reeducation through group and individual therapy; and whatever methods may be indicated in individual cases.

### AUTHORITY:

Title 80, Chapter 21, R.C.M. 1947.

# UNIT RESPONSIBLE:

Montana Children's Center (Twin Bridges).

# MONTANA VETERANS' HOME PROGRAM

### DESCRIPTION:

The Veterans' Home will provide a home and subsistence for honorably discharged soldiers, sailors, and marines who have served in the Armed Forces of the United States and who have become unable to earn a livelihood by reason of such service or by reason of advanced age. Wives or widows, who are fifty years of age or older, of honorably discharged veterans are also eligible for admission to the Home.

### AUTHORITY:

Title 80, Chapter 18, R.C.M. 1947.

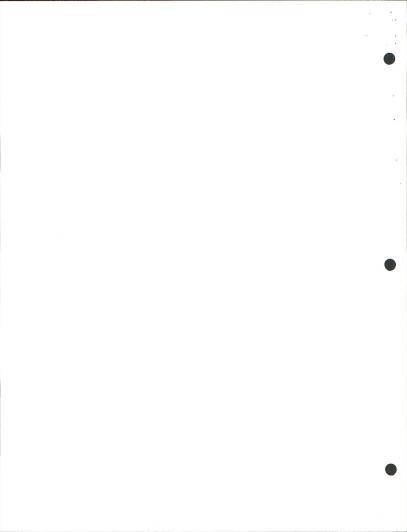
# UNIT RESPONSIBLE:

Montana Veterans' Home (Columbia Falls).

# MOUNTAIN VIEW SCHOOL PROGRAM

### DESCRIPTION:

The Mountain View School Program will be responsible for the diagnosis, care, training, education, and rehabilitation of delinquent girls ten years of age or older, and under twenty-one years of age.



### AUTHORITY:

Title 80, Chapters 14 and 22, R.C.M., 1947.

### UNIT RESPONSIBLE:

Mountain View School (Helena).

### PINE HILLS SCHOOL PROGRAM

#### DESCRIPTION:

The Pine Hills School Program will be responsible for the diagnosis, care, training, education, and rehabilitation of delinquent boys ten years of age or older, and under twenty-one years of age.

### AUTHORITY:

Title 80, Chapters 14 and 22, R.C.M., 1947.

# UNIT RESPONSIBLE:

Pine Hills School (Miles City).

### STATE PRISON PROGRAM

### DESCRIPTION:

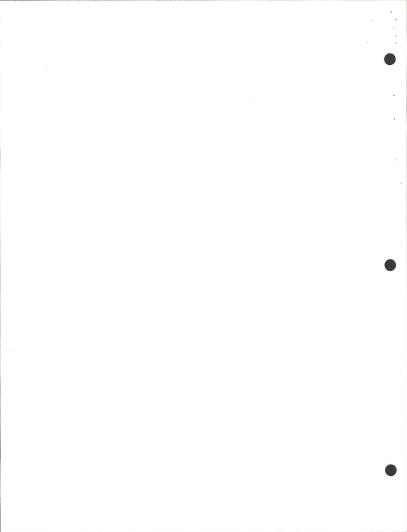
The two primary duties of the State Prison will be the safe custody and control of confined prisoners and the employment and treatment of prisoners toward the end of resocialization. In carrying out these duties the prison program will include the activities of maintaining a trained personnel force, humane treatment of prisoners, and efficient administration of the Prison.

### AUTHORITY:

Title 80, Chapter 19, R.C.M. 1947.

### UNIT RESPONSIBLE:

State Prison (Deer Lodge).



#### NOTE:

Until activation date of the Department of Law Enforcement and Public Safety, the Department of Institutions through the State Prison will remain responsible for the operations of the Office of Registrar of Motor Vehicles and Bureau of Criminal Identification and Investigation.

#### SWAN RIVER YOUTH FOREST CAMP PROGRAM

### DESCRIPTION:

The Swan River Youth Forest Camp will provide rehabilitation for young offenders from Pine Hills School and the State Prison through work experience under the guidance and supervision of professional and field personnel in the Swan River State Forest. The Department of Institutions will administer the camp with the cooperation of the Office of the State Forester which will provide the work program for the youth at the camp.

#### AUTHORITY:

Title 80, Chapters 14 and 22, R.C.M., 1947.

# UNIT RESPONSIBLE:

Swan River Youth Forest Camp (Swan River State Forest).

### BOARD OF EUGENICS PROGRAM

### DESCRIPTION:

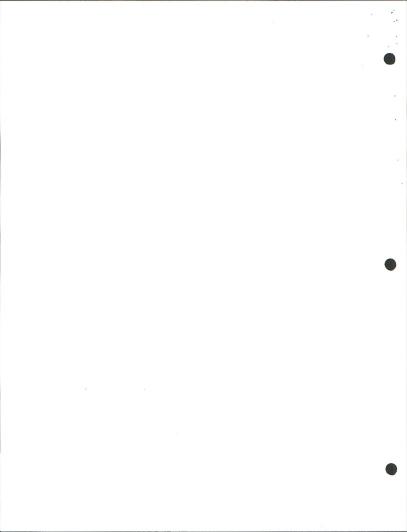
The Board of Eugenics will provide a method, through proper hearings, whereby certain persons whose sterilization would benefit themselves and the State, may voluntarily consent to such sterilization. The Board will receive applications by or on behalf of persons covered by the applicable law and conduct a hearing at which the applicant must be present in person for examination by the Board. Evidence presented at the hearing will establish whether it would be in the best interest of the applicant and the State for the applicant to be sterilized.

### AUTHORITY:

Title 69, Chapter 64, R.C.M., 1947.

# UNIT RESPONSIBLE:

Board of Eugenics.



### BOARD OF PARDONS PROGRAM

### DESCRIPTION:

The Board of Pardons will administer the executive clemency, probation and parole system provided for in Sections 94-9821 through 94-9851, R.C.M., 1947. Generally, the activities of the Board will be to 1) hold hearings for persons wishing to be paroled from the Prison, hearings for persons who have violated the conditions of their parole, and hearings for persons seeking executive elemency; and 2) supervise the parole officers in the field. The Institutional Bureau is charged with pre-release evaluations, pre-parole progress reports and job placement coordination. The Field Bureaus are responsible for presentence investigations; supervision of probationers; probation violation investigations; supervision of parolees, and any parole violation investigations.

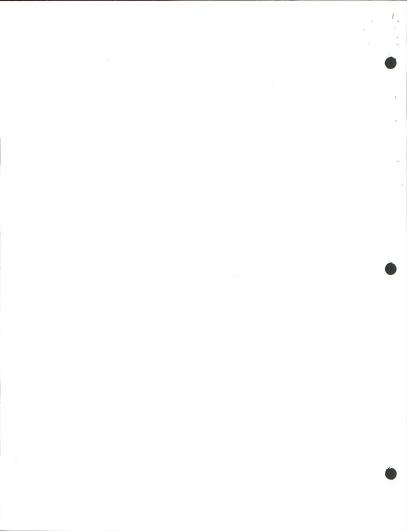
Under the previsions of Section 82A-108 of Chapter 272, Laws of 1971, the Executive Reorganization Act of 1971, most of the administrative functions of the Board of Pardons--accounting, purchasing, record-keeping, ec.--would be performed by the Department of Institutions. In the interest of efficiency and effectiveness of operation, the functions will be delegated back to the Board of Pardons by the Department of Institutions.

### AUTHORITY:

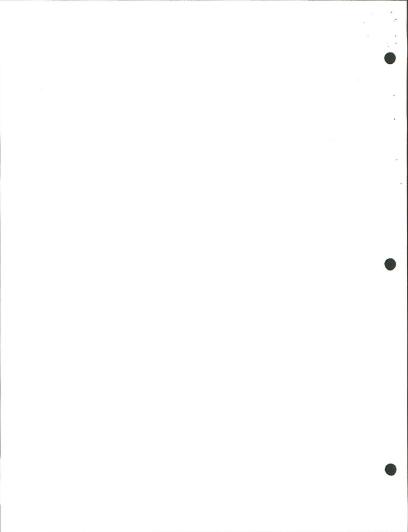
Title 94, Chapter 98, R.C.M., 1947.

### UNIT RESPONSIBLE:

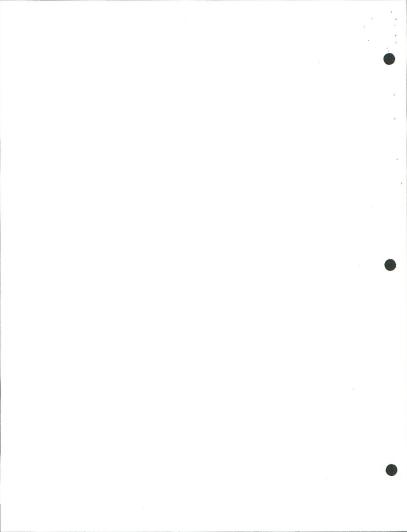
Board of Pardons (Deer Lodge).



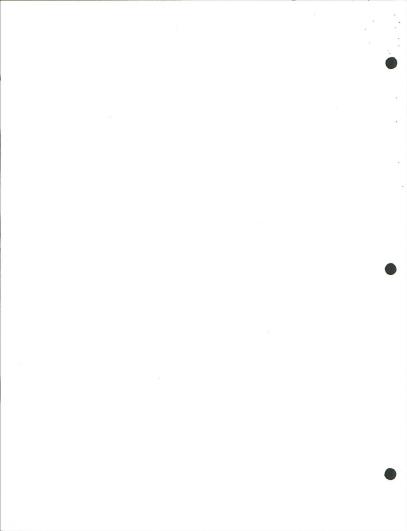
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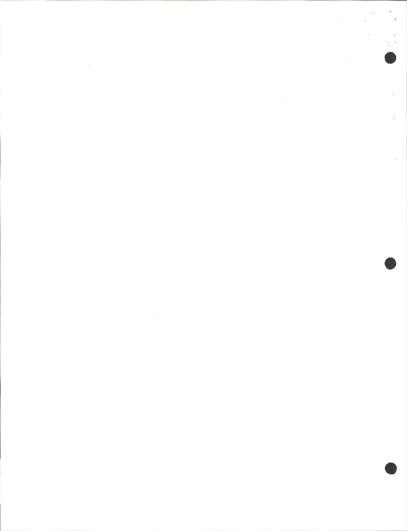
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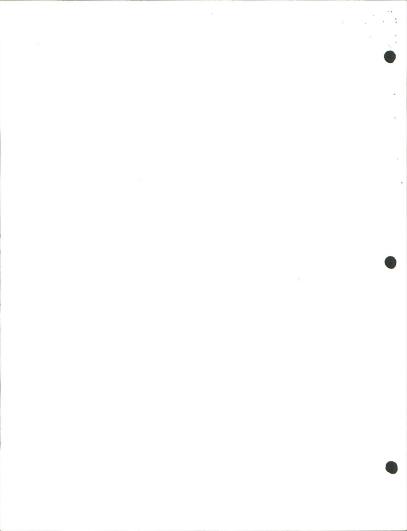
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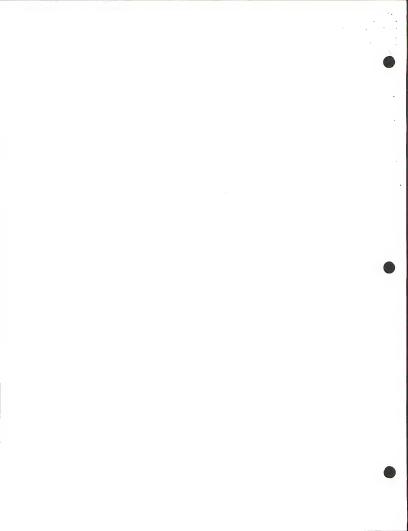
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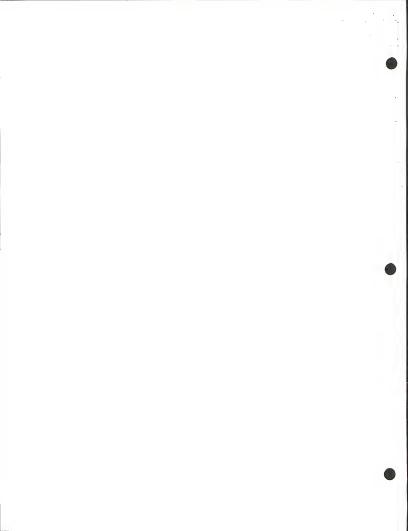
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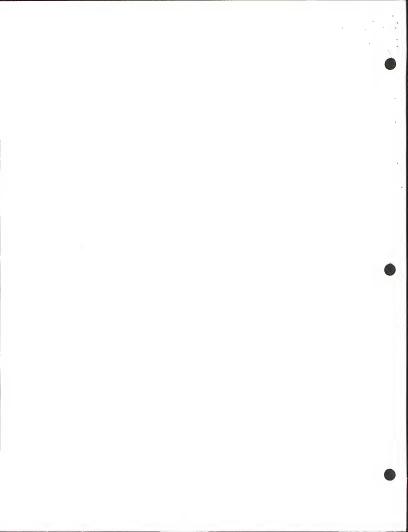
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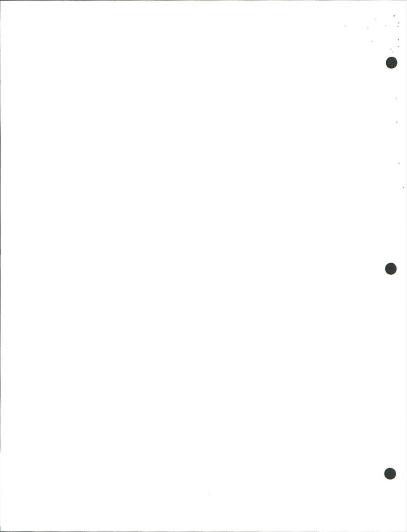
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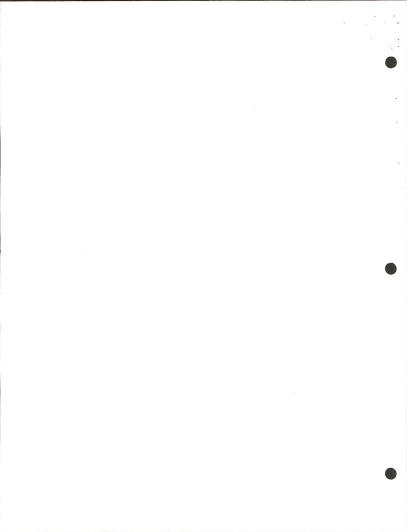
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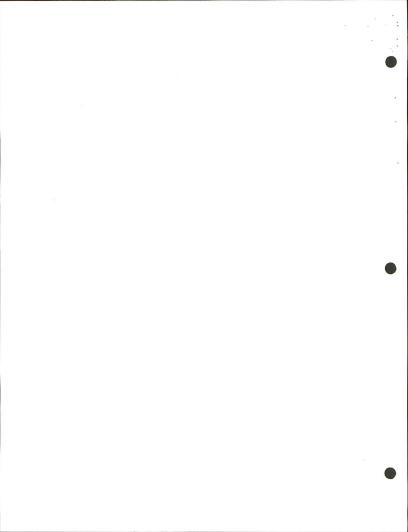
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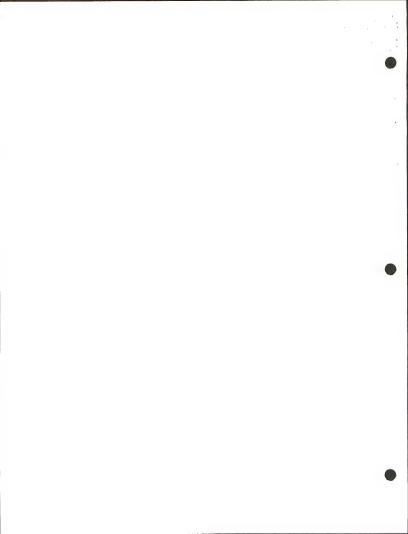
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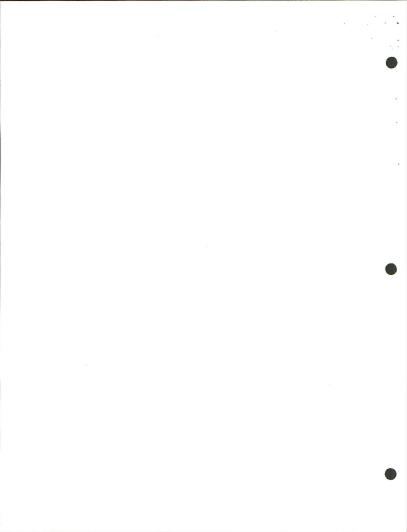
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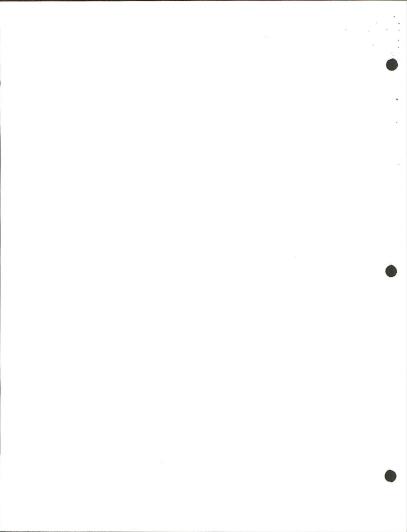
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# SPACE REQUIREMENTS

# Current Location

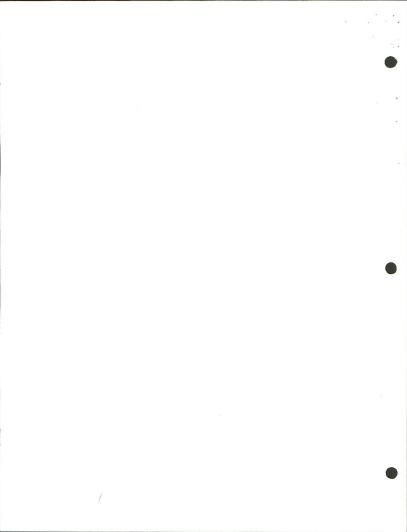
Department of Institutions: 1236 East 6th Avenue, Helena, Montana

Board of Pardons: 1119 Main Street, Deer Lodge, Montana

Projected Requirements (for the biennium ending June 30, 1973)

Department of Institutions: Same as current

Board of Pardons: Same as current



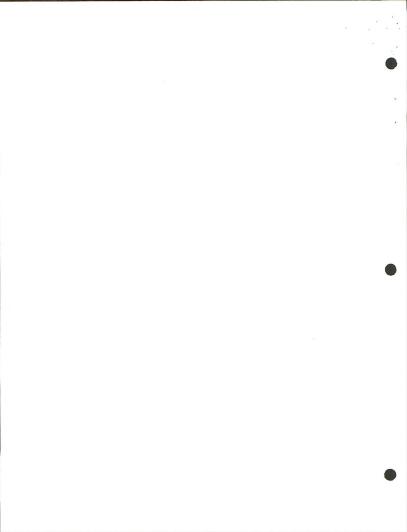
#### POTENTIAL SAVINGS

It is difficult to forecast the full impact of reorganization on the Department of Institutions, but in time significant savings can be anticipated in, but not limited to, the following areas:

The transfer of the Child Development Center in Missoula to the Department of Institutions is expected to lead to a reduction in the inpatient population at Boulder River School and Hospital. This Center will be the forerumer of a diagnostic clinic system which will make possible the screening of the mentally retarded to the end that only the most difficult cases will be institutionalized and the remainder will be treated at the community level.

Savings of this nature are also to be expected in the field of mental health as regional Comprehensive Mental Health Centers become fully operative again leading to community care as opposed to more expensive institutionalization.

Prospects for additional savings relate to the area of juvenile delinquer y and would involve a county probation subsidy program which would strengthen and improve the early management of young offenders and thus reduce the population of the various state juvenile institutions. This of course would require enabling legislation.



# DEPARTMENT OF INSTITUTIONS HELENA, MONTANA

Date: October 1, 1971

TO:

Superintendents and Heads of All Units

FRCM.

Director, Department of Institutions

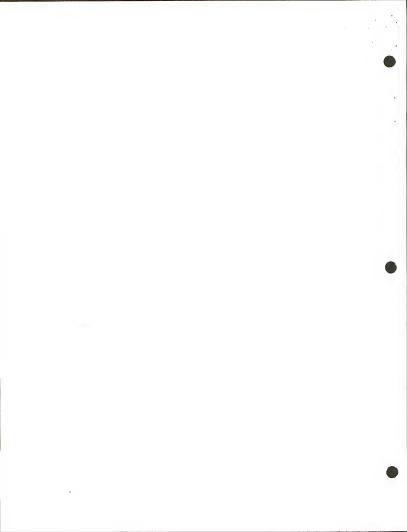
SUBJECT:

Meeting Requirements of the Board of Institutions

as required by Section 80-1409, R.C.M. 1947.

The Board of Institutions shall meet bimonthly and may hold additional meetings on the call of the Chairman, or at the request of the Director or any two members of the Board. Three members constitute a quorum for the transaction of business.

cc: Members of the Board of Institutions



# PROPOSED RULES GOVERNING GRIEVANCE PROCEDURES OF RESIDENTS OF INSTITUTIONS WITHIN THE DEPARTMENT OF INSTITUTIONS

#### GENERAL

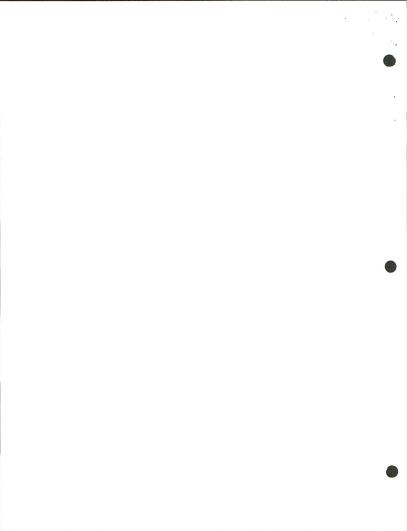
- A. The purpose of these rules is to set forth procedures to be followed by residents, the department, and the board for the hearing of grievances of residents.
- B. The director shall provide copies of these rules to each superintendent and to any other interested person.
- C. These rules may be amended at any time by the board. Any change in these rules shall be effective only by specific written amendments thereto.
- D. These rules supersede any rules, policies, or directives previously adopted or recognized by the board or the department which conflict with the rules contained herein.
- E. These rules are adopted under authority of Sections 82A-806 (4) and 82A-112 (3), R.C.M. 1947.

### RULE 1. DEFINITIONS

As used in these rules:

- A. "Board" means the Board of Institutions acting in its quasi-judicial capacity as provided in Section 82A-806, R.C.M. 1947;
- B. "Department" means the Department of Institutions, created in Section 82A-801, R.C.M. 1947;
- C. "Director" means the Director of Institutions, a position provided for in section 82A-801, R.C.M. 1947;
- D. "Institutions" means the following institutions in the state Department of Institutions:

Boulder River School and Hospital; Eastmont Training Center; Galen State Hospit; Montana Center for the Aged Montana Children's Center Montana Veterans! Home; Mountain View School;



Pine Hills School; State Prison; Swan River Youth Forest Camp; Warm Springs State Hospital.

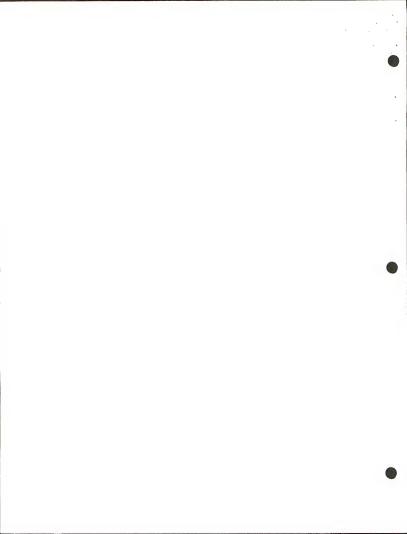
- E. "Resident" means any person under care, treatment, or incarceration at any of the institutions under the supervision of the department.
- F. "Superintendent" means the chief executive officerof each institution.

# RULE 2. RIGHT TO MAKE COMPLAINT

- A. Any resident may make a complaint concerning any serious matter affecting his care or treatment. The complaint shall be made in accordance with the procedures established by these rules.
- B. A resident wishing to make a complaint shall first take the matter up with the person immediately supervising his care and treatment. If that person is unable or unwilling to resolve the matter to the resident's satisfaction, the resident may make a complaint to the superintendent, and if the superintendent is unable or unwilling to resolve the matter to the resident's satisfaction, the resident may make a complaint directly to the director.
- C. A complaint may be made orally or in writing, and it may be made by any interested person representing the resident.
- D. Each superintendent shall advise the residents of his institution in some appropriate manner that they have the right to make complaints as provided in these rules. The superintendent shall direct all employees to cooperate fully with any resident wishing to make a complaint.

# RULE 3. DISPOSITION OF COMPLAINTS

- A. All complaints shall be disposed of at the superintendent's level, or lower, if possible.
- B. If a complaint is made to the director, he may refer the matter to the appropriate superintendent for disposition, he may dispose of the matter himself, or he may refer the matter to the board for its disposition.
- C. In the event a compl int is made directly to the board, it may refer the matter to the appropriate superintendent or the director for his disposition, or it may dispose of the matter itself.



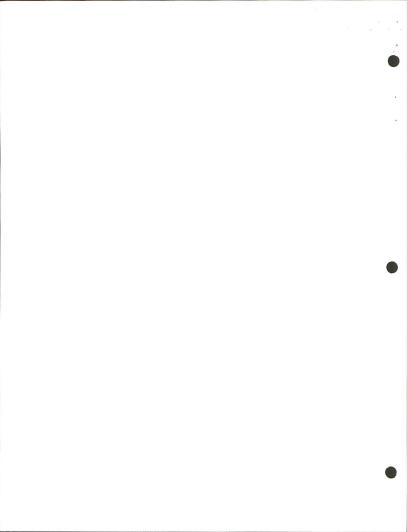
# RULE 4. REPORTS OF COMPLAINTS AND OCCURRENCES

- A. Each superintendent shall make a monthly written report to the director of all complaints concerning any serious matter affecting a resident's care or treatment received by him, together with the disposition thereof.
- B. The director shall make a written report to the board at its meetings of all complaints received by him from the residents or reported to him by the superintendents, together with the disposition thereof.
- C. In addition to the reports required to be made above, each superintendent shall make an immediate and full written report to the director of the occurrence and disposition of all incidents involving, but not limited to, the following:
  - 1. Riots;
  - 2. Fires or explosions;
  - 3. Unusual deaths of residents;
  - Serious injury to residents;
  - Attacks upon residents or staff;
  - 6. Theft, misappropriation, or misuse of resident's property;
  - Any other incident involving residents of sufficient seriousness which, when measured by the incidents listed above, would lead one to believe should be reported to the director.

The director may dispose of any matter reported to him under Part C of this rule, or he may refer the matter to the board for its disposition, but in all cases, he shall forward the reports to the board.

# RULE 5. BOARD DISPOSITION

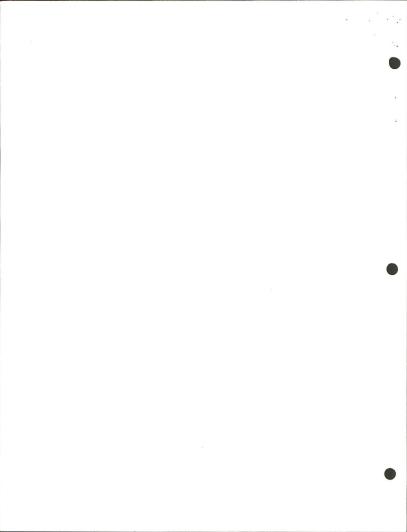
- A. In each case of a complaint or incident reported to the board under these rules, the board may, in its discretion, accept and approve the report or may direct that the matter be disposed of in another manner as it deems proper under the circumstances.
- B. The board may investigate any matter reported to it, and it may use the staff services of the department in the investigation.
- C. The board may hold a hearing on any matter reported to it, and may order that any files, records, or other relevant evidence be produced. The board may question any officer, employee, or resident at the hearing.
- D. Any party in a hearing before the board, including the resident, may be represented by counsel, relative, or other interested party.



- E. Any decision by the board, whether accepting, rejecting, or modifying the report by the director, shall be reduced to writing in a manner deemed appropriate by the board. In the case of a hearing, the board shall set forth its findings and decision, and a copy thereof shall be given to the resident affected.
- F. The director shall see that accurate records are kept of all proceedings before the board under these rules.
- G. Sections 82-3401 through 82-3403, R.C.M. 1947 (relating to open meetings of public agencies), apply to any board meetings held under these rules.

## RULE 6. APPEALS RELATING TO PER DIEM CHARGES

- A. As provided by Section 80-1603 (5), R.C.M. 1947, if a resident or responsible person disagrees with the determination of the department as to the ability of the resident or responsible person to pay all or any part of the per diem charge, an appeal may be filed within thirty (30) days of the determination with the board.
- B. The procedures under Rule 5 apply to any appeal filed under this rule.



#### GRIEVANCE PROCEDURE

#### NON-UNION PERSONNEL

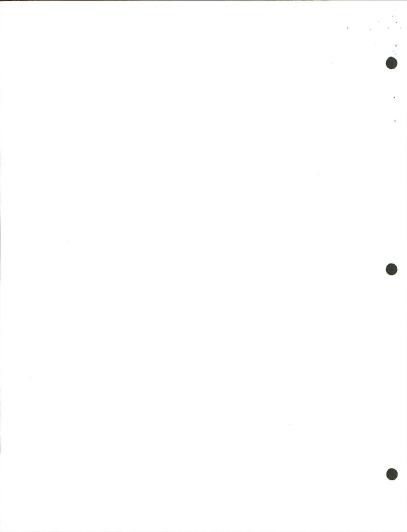
The following procedures shall apply to the handling of all grievances incurred by non-union personnel employed by the State of Montana in the Department of Institutions excluding the personnel included on Exhibit "A" attached hereto.

It shall be the duty of the superintendent or warden of each of the institutions in the Department of Institutions to provide for the election by the non-union employees involved in each institution of a grievance committee, consisting of five people who shall serve for a term of one year and shall perform the duties hereinafter set forth. The committee members so elected shall themselves elect a chairman who shall preside over their meetings and who shall sign any papers or reports required to be filed by the grievance committee. Grievance committee members may process grievances during working hours without loss of pay, in scheduling meetings with management, so long as the member's immediate supervisor has been notified and permission obtained to assure adequate coverage for work assignments.

#### GRIEVANCE PROCEDURE

#### Step One:

An employee who is covered by these rules of procedure, who feels his rights have been violated, shall first consult with his immediate supervisor in an effort to seek a remedy. If such consultation does not resolve the problem, he shall then report that fact in writing immediately to his grievance committee, stating the nature of the violation and the remedy sought. If, after investigation, it is felt the grievance is justified, the grievance committee shall give written notice to the superintendent or warden, requesting a meeting to take up the grievance or dispute. Response to such a request shall fix a time and place of meeting within five days of the written notice. The employee may be present if he so requests, or if the grievance committee so requires. The employee's department head shall attend the meeting if notified in writing by the grievance committee, the employee or the superintendent. The written notice to the superintendent shall describe in detail the grievance, dispute or issue to be resolved and shall have attached thereto written statements of the complainant, the person complained against, and any other statements or documents portinent to the issue to be resolved. The notice shall likewise contain a statement of the remody sought. Determination of the dispute by the superintendent must be completed within five working days after the meeting between the grievance committee and the superintendent, and shall be made and delivered in writing to the employee and to the grievance committee. If, on the other hand, the



grievance committee, after investigation, decides the employee's grievance is not justified, the chairman shall notify the employee to that effect and no further proceedings hereunder shall be pursued.

#### Step Two:

Should the grievance committee feel that the decision of the superintendent is unsatisfactory, the grievance shall be submitted within seven working days to the Director of the Department of Institutions in Helena. The submittal shall be in writing and shall have attached thereto all of the statements and other documents which have been a part of the grievance record up to that time. The director of institutions shall consider such grievance and the evidence submitted therewith and shall make whatever additional investigation he deems necessary or desirable and shall submit his decision on said grievance in writing to the grievance committee, superintendent and employee within seven working days after such grievance shall have been submitted to him.

## Step Three:

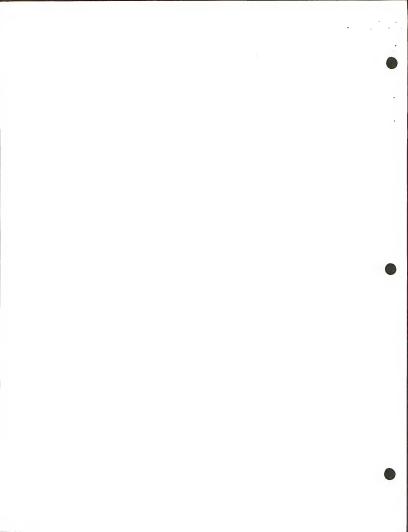
If the grievance committee considers the decision of the director of the department to be unsatisfactory, it may file, within five days of the receipt of his decision, an appeal to the Board of Institutions as provided for in Section 82A-806(4) of the Session Laws of the 42nd Legislative Assembly. Such appeal shall have elached thereto the written record of the grievance up to that point including the written decision of the superintendent and the director. The appeal may contain a request for a hearing. Upon receipt of the appeal the Board may schedule a hearing thereon with or without a request therefor, but must schedule a hearing thereon if requested. The Board may make such other investigation of the grievance as it may deem necessary and desirable.

If, after review of the grievance record, it is the opinion of the majority of the Board that the grievance is trivial or inconsequential, the Board may summerily dismiss the appeal without a hearing, even though one may have been requested, and notify the parties involved of such dismissal and of the reason therefor and the matter is thereby terminated.

## Step Four:

If the matter is not summarily dismissed the Poard shall conduct a hearing thereon if requested or if they deem the hearing desirable, and shall thereafter make a written finding of fact and a decision, copies of which shall be given to the employee, grievance committee, superintendent and director. The decision of the Poard shall be final.

If no hearing is requested, and the Board does not deem a hearing



necessary, it shall consider the grievance, based upon evidence submitted with the appeal, together with any other investigation it deems necessary at its next regularly scheduled meeting, and shall make and file its written determination with reference thereto at that time.

If a hearing before the Board is to be had, it will be conducted under the following procedural rules.

## BOARD OF INSTITUTIONS HEARINGS:

#### A. TIME OF HEARING:

Hearings on appeals shall be held within a reasonable time after the filing thereof, and at such time and place as shall be fixed by the chairman of the board.

## B. NOTICE OF HEARING:

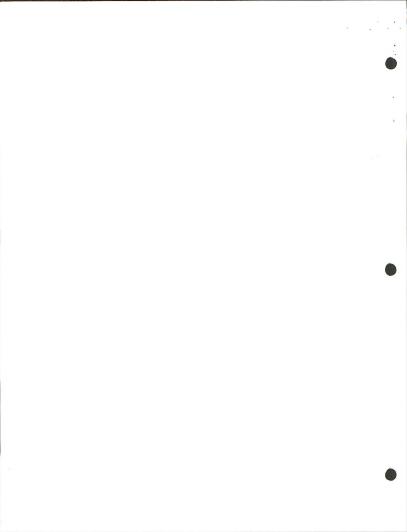
Notice of the time and place set for hearing shall be given promptly by the director to the employee, grievance committee and superintendent at least five days prior to the hearing by registered mail addressed to the above named parties at their last known post office address.

## C. THE BOARD SHALL HAVE ACCESS TO PERTINENT DATA:

In order to properly discharge its function in regard to the review of such disciplinary action, the Board shall have access to any files, correspondence, memoranda, etc. which they feel might be pertinent to the case and shall have the right of questioning any officers or employees of the state whom they feel may be able to shed light on the circumstances involving the disciplinary action in question. No officer or employee shall himself be subject to disciplinary action as a result of testimony given in such a hearing.

## D. CONDUCT OF HEARINGS:

Hearings before the Board shall be conducted in an orderly manner with a view to the presentation of all material facts so that a fair and impartial decision may be made. Hearings shall be conducted in an informal manner and shall not be limited by the rules of evidence and procedure which might be applicable in a court of law. Notwithstanding the foregoing, however, the chairman of the board shall have full authority at all times to maintain orderly procedures and to reject irrelevant matters and to limit the hearings to relevant facts.



#### E. ADJOURNMENT:

Hearings on complaints may be adjourned only upon good cause showing. In the event that any party to the grievance shall fail to appear in person or be represented by counsel at the time and place set for a hearing, that party shall be presumed to have waived his right to a future hearing, and the Board may investigate and make its determination based upon the matters presented to it at such hearing.

## F. REPRESENTATION:

Parties to a grievance may, at their election, be represented by counsel, provided that notice of such representation shall be filed with the director at least forty-eight (48) hours prior to the time set for hearing.

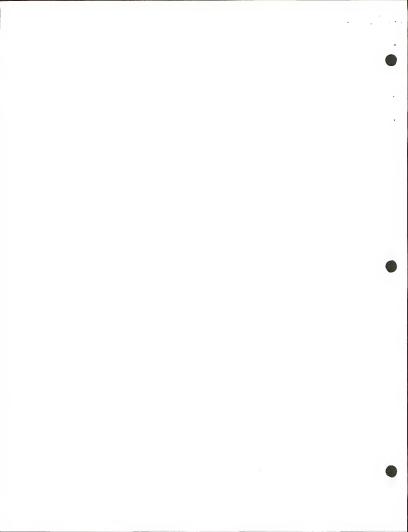
## G. DECISIONS:

Decisions of the Board shall be promptly reduced to writing, setting forth its findings and decision and filed with the director of the Department of Institutions with a copy thereof to the employee, the grievance committee and superintendent. The Board's decision may be, but not limited to, the following:

- (1) The Board may concur in the action of the superintendent and/or the Director of the Department.  $\dot{\ }$
- (2) The Board may not concur in the action thus far taken and may modify prior decisions up to and including reinstatement with full pay and with no loss in benefits.
- (3) If the Board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reasons, the Board shall reinstate the employee to his former position or a position of like status and pey, without loss of pay for the period of his dismissal, demotion, or suspension, and without penalty.
- (4) Such other decision as under the circumstances of the case is deemed by the Board to be fair and just.

## GRIEVANCE PROCEDURES FOR PERSONS EXCLUDED IN EXHIBIT A:

Employees excluded by Exhibit "A" who feel they have a grievance should first consult with the superintendent of the institution in an effort to resolve the difficulty. If after consultation with the superintendent they are unable to resolve the difficulty, they shall present their grievance in writing together with all available supporting statements and documents directly to the director of institutions and from that point on shall follow the procedure for handling grievances in the same manner as provided



## GRIEVANCE PROCEDURE

#### UNION PERSONNEL

The following procedures shall apply to the handling of all grievance incurred by union personnel employed by the State of Montana in the Department of Institutions excluding personnel included on Exhibit "A" attached hereto.

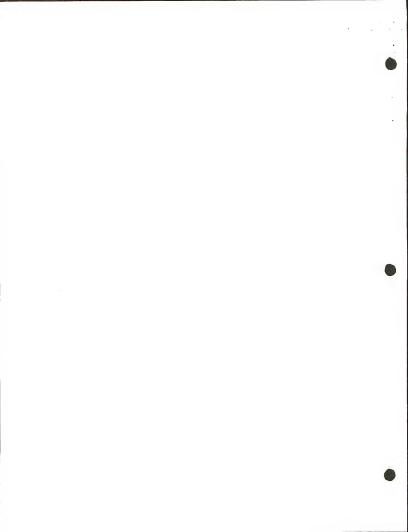
Employees selected by the union to act as union representatives shall be known as "stewards". The names of three (3) employees selected as stewards, and the names of other representatives who may represent employees shall be certified in writing to the employer by the local union, and the individuals so certified shall constitute the union greivance committee. A grievance committee chairman shall be selected by the executive board by the local union and approved by the union body as a whole. Grievance committee members may process grievances during working hours without loss of pay, in scheduling meetings with management, so long as the members immediate supervisor has been notified and permission obtained to assure adequate coverage for work assignments.

Departure from the established procedure shall automatically nullify the grievance. Any grievance or dispute which may arise between the parties including the application, meaning or interpretation of this agreement shall be settled in the following manner:

## GRIEVANCE PROCEDURE

## Step One:

An employee who is covered by these rules of procedure, who feels his rights have been violated, shall first consult with his immediate supervisor in an effort to seek a remedy. If such consultation does not resolve the problem, he shall then report that fact in writing immediately to his grievance committee, stating the nature of the violation and the remedy sought. If, after investigation, it is felt the grievance is justified, the greivance committee shall give written notice to the superintendent or warden, requesting a meeting to take up the grievance or dispute. Response to such a request shall fix a time and place of meeting within five days of the written notice. The employee may be present if he so requests, or if the grievance committee so requires. The employee's department head shall attend the meeting if notified in writing by the grievance committee, the employee of the superintendent. The written notice of the superintendent shall describe in detail the grievance, dispute or issue to be resolved and shall have attached thereto written statements of the complainant, the person complained against, and any other statements or documents pertinent to the issue to be resolved. The notice shall likewise contain a statement of the remedy sought.



Determination of the dispute by the superintendent must be completed within five working days after the meeting between the grievance committee and the superintendent, and shall be made and delivered in writing to the employee and to the grievance committee. If, on the other hand, the grievance committee, after investigation, decides the employee's grievance is not justified, the chairman shall notify the employee to that effect and no further proceedings hereunder shall be pursued.

#### Step Two:

Should the grievance committee feel that the decision of the super-intendent is unsatisfactory, the grievance shall be submitted within seven working days to the Director of the Department of Institutions in Helena. The submittal shall be in writing and shall have attached thereto all of the statements and other documents which have been a part of the grievance record up to that time. The director of institutions shall consider such grievance and the evidence submitted therewith and shall make whatever additional investigation he deems necessary or desirable and shall submit his decision on said grievance in writing to the grievance committee, superintendent and employee within seven working days after such grievance shall have been submitted to him.

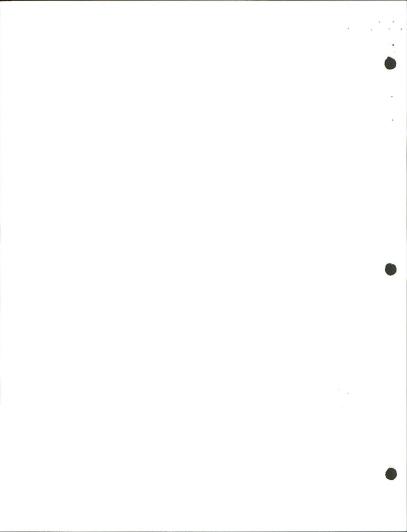
#### Step Three:

If the grievance committee considers the decision of the director of the department to be unsatisfactory, it may file, within five days of the receipt of his decision, an appeal to the Board of Institutions as provided for in Section. 82A-806(4) of the Session Laws of the 42nd Legislative Assembly. Such appeal shall have attached thereto the written record of the grievance up to that point including the written decision of the superintendent and the director. The appeal may contain a request for a hearing. Upon receipt of the appeal the Board may schedule a hearing thereon with or without a request therefor, but must schedule a hearing thereon if requested. The Board may make such other investigation of the grievance as it may deem necessary and desirable.

If, after review of the grievance record, it is the opinion of the majority of the Board that the grievance is trivial or inconsequential, the Board may summarily dismiss the appeal without a hearing, even though one may have been requested, and notify the parties involved of such dismissal and of the reason therefor and the matter is thereby terminated.

## Step Four:

If the matter is not summarily dismissed the Board shall conduct a hearing thereon if requested or if they deem the hearing decirable, and shall thereafter make a written finding of fact and a decision, copies of which shall be given to the employee, grievance committee, superintendent and director.



The decision of the Board shall be final.

If no hearing is requested, and the Board does not deem a hearing necessary, it shall consider the grievance, based upon evidence submitted with the appeal, together with any other investigation it deems necessary at its next regularly scheduled meeting, and shall make and file its written determination with reference thereto at that time.

If a hearing before the Board is to be had, it will be conducted under the following procedural rules.

## BOARD OF INSTITUTIONS HEARINGS:

## A. TIME OF HEARINGS:

Hearing on appeals shall be held within a reasonable time after the filling thereof, and at such time and place as shall be fixed by the chairman of the board.

## B. NOTICE OF HEARING:

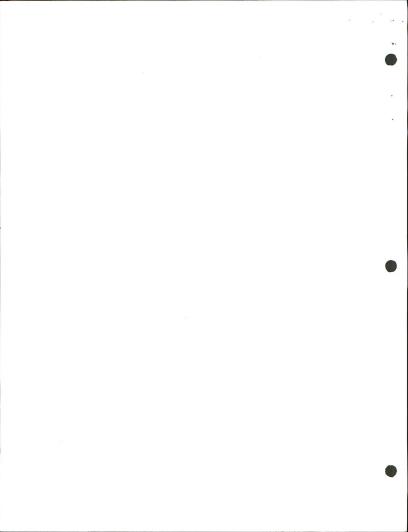
Notice of the time and place set for hearing shall be given promptly by the director to the employee, grievance committee and superindendent at least five days prior to the hearing by registered mail addressed to the above named parties at their last known post office address.

# C. THE BOARD STALL HAVE ACCESS TO PERTINENT DATA:

In order to properly discharge its function in regard to the review of such disciplinary action, the Board shall have access to any files, correspondence, memoranda, etc. which they feel might be pertinent to the case and shall have the right of questioning any officers or employees of the state whom they feel may be able to shed light on the circumstances involving the disciplinary action in question. No officer or employee shall himself be subject to disciplinary action as a result of testimony given in such a hearing.

## D. CONDUCT OF HEARINGS:

Hearings before the Board shall be conducted in an orderly manner with a view to the presentation of all material facts so that a fair and impartial decision may be made. Hearings shall be conducted in an informal manner and shall not be limited by the rules of evidence and procedure which might be applicable in a court of law. Notwithstanding the foregoing, however, the chairman of the bodrd shall have full authority at all times to maintain orderly procedures and to reject irrelevant matters and to limit the hearings to relevant facts.



## E. ADJOURNMENT:

Hearings on complaints may be adjourned only upon good cause showing. In the event that any party to the grievance shall fail to appear in person or be represented by counsel at the time and place set for a hearing, that party shall be presumed to have waived his right to a future hearing, and the Board may investigate and make its determination based upon the matters presented to it at such hearing.

## F. REPRESENTATION:

Parties to a grievance may, at their election, be represented by counsel, provided that notice of such representation shall be filed with the director at least 48 hours prior to the time set for hearing.

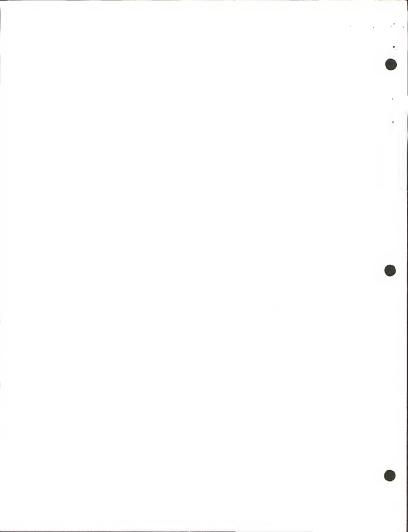
#### G. DECISIONS:

Decisions of the Board shall be promptly reduced to writing, setting forth its findings and decision and filed with the director of the Department of Institutions with a copy thereof to the employee, the grievance committee and superintendent. The Board's decision may be, but not limited to, the following:

- (1) The Board may concur in the action of the superintendent and/or the Director of the Department.
- (2) The Board may not concur in the action thus far taken and may modify prior decisions up to and including reinstatement with full pay and with no loss in benefits.
- (3) If the Board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reasons, the Board shall reinstate the employee to his former position or a position of like status and pay, without loss of pay for the period of his dismissal, demotion, or suspension, and without penalty.
- (4) Such other decision as under the circumstances of the case is deemed by the Board to be fair and just.

## GRIEVANCE PROCEDURES FOR PERSONS EXCLUDED IN EXHIBIT "A":

Employees excluded by Exhibit "a" who feel they have a grievance should first consult with the superintendent of the institution in an effort to resolve the difficulty. If after consultation with the superintendent they are unable to resolve the difficulty, they shall present their grievance in writing together with all available supporting statements and documents directly to the director of institutions and from that point on shall follow the procedure



#### EXHIBIT "A"

## Superintendents - Assistant Superintendents

Wardens - Deputy Wardens

Exclude all Central Office personnel

## Classification Schedule

# Boulder River School and Hospital

- 1. Superintendent
- Hospital Administrator
- 3. Personnel Officer
- 4. Clinical Director
- 5. Physicians
- 6. Director of Dental Services
- 7. Physical Therapy Director
- 8. Physical Therapist
- 9. Psychologist
- Social Workers
   Director of Education & Training
- 12. Vocational Counselor
- .13. Speech Therapists
- 14. Director of Recreation
- 15. In-service Training Instructor
- 16. Group Life Directors
- 17. Nursing Director
- 18. Registered Nurses
- 19. Teachers
- 20. Training Specialists

## Eastmont Training Center

- 1. Superintendent
- 2. Registered Nurse
- 3. Recreation Supervisor
- 4. Social Worker
- 5. Speech Therapist
- 6. Special Education Teacher
- 7. Psychologists



## Galen State Hospital

- 1. Superintendent
- Hospital Administrator
- 3. Physicians
- 4. Radiologist
- 5. Dentist
- 6. Registered Nurses 7. Nursing Director
- 8. Chaplain
- 9. Social Worker

## Montana Center for the Aged

- 1. Superintendent
- 2. Nursing Director
- 3. Business Manager 4. Registered Nurses
- 5. Recreation Supervisor

## Montana Children's Center

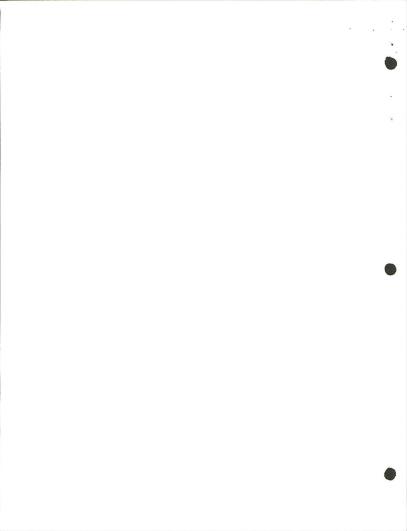
- Superintendent
- 2. Business Services Officer
- 3. Registered Nurse 4. Group Life Directors
- 5. Social Workers
- 6. Director of Education 7. Teachers

# Montana Veterans' Home

- 1. Superintendent
- 2. Accountant

# Mountain View School

- 1. Superintendent
- 2. Business Manager
- 3. Clinical Services Director 4. Group Life Director
- 5. . Registered Nurse
- G. Teachers 7. Director of Education



## Pine Hills School

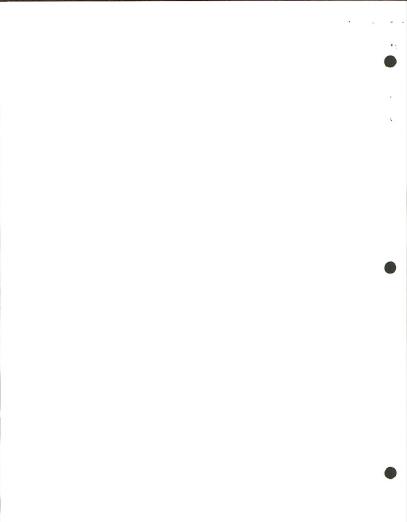
- 1. Superintendent
- 2. Assistant Superintendent
- 3. Business Manager
- 4. Group Life Directors
- 5. Recreation Supervisor
- 6. Director of Clinical Services
- 7. Social Workers
- 8. Registered Nurses
- 9. Psychologist
- 10. Psychiatrist
- 11. Chaplain
- 12. Vocational Supervisors
- 13. Director of Education
- 14. Assistant Director of Education
- 15. Teachers
- 16. Vocational Instructor

## State Prison

- 1. Warden
- 2. Deputy Warden
- 3. Business Manager
- 4. Personnel Officer
- 5. Physician
- 6. Dentist
- 7. Registered Nurse
- 8. Director of Classification & Treatment
- 9. Social Workers
- 10. Chaplain
- 11. Recreation Director
- 12. Psychologist
- 13. Director of Education
- 14. Teachers

# Swan River Youth Forest Camp

- 1. Superintendent
- 2. Assistant Superintendent
- 3. Youth Camp Counselor III



## Warm Springs State Hospital

- 1. Superintendent
- 2. Assistant Superintendent
- 3. Business Manager
- 4. Personnel Officer
- 5. Attorney
- 6. Psychiatrists
- 7. Physicians
- 8. Psychologist
- 9. Activity Therapy Coordinator
- 10. Recreation Therapist
- 11. Occupational Therapist
- 12. Institutional Instructor
- 13. Psychiatric Social Workers
- 14. Social Workers
- 15. Nursing Directors
- 16. Instructor of Nursing
- 17. Psychiatric Nurses
- 18. Hospital Supervisor
- 19. Dentists
- 20. Chaplain
- 21. Pharmaciat

